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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/900,087	07/06/2001	Ahmad Chini	3927P015	5864	
8791 75	590 12/13/2005		EXAMINER		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD			KIM, KEVIN		
SEVENTH FLOOR			ART UNIT	PAPER NUMBER	
LOS ANGELE	S, CA 90025-1030		2638		

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 22 September 2005.  2a]□ This action is FINAL. 2b)⊠ This action is non-final.  3]□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-7,14-21 and 24-34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)☑ Claim(s) 1-7,21 and 24-26 is/are allowed.  6)☑ Claim(s) 1-7,21 and 24-26 is/are allowed.  6)☑ Claim(s) 19 and 20 is/are objected to.  8)□ Claim(s) 19 and 20 is/are objected to.  8)□ Claim(s) 19 and 20 is/are objected to.  8)□ The specification is objected to by the Examiner.  Application Papers  9)□ The specification is objected to by the Examiner.  Application Papers  9)□ The specification is objected to by the Examiner.  Application Papers  9.□ The oath or declaration is objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)□ All b)□ Some * o)□ None of:  1.□ Certified copies of the priority documents have been received.  2.□ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) ☑ Notice of Pratsperson's Patent Drawing Review (PTO-948)  3)□ Information Discoscure Statement(s) (PTO-1439 or PTO/SB008)	e						
### Examiner   Examine			Application No.	Applicant(s)			
Learning	Office Action Summary		09/900,087				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Endendors of term any be available under the previously of 3 CFR 1.1360, in one with towers, may a reby be interly filed in the communication of 3 CFR 1.1360, in one with tower, may a reby be interly filed in the communication of 3 CFR 1.1360, in one with tower, may a reby be interly filed in the communication of the communication of the communication. The provision of the communication of the communication of the communication of the communication, which is set or tended before the provision of the communication, which is set or tended before the provision of the communication. Set 5 CFR 1.7640.  Status  1) Set Responsive to communication(s) filed on 22 September 2005.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-7.14-21 and 24-34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-7.12 and 24-25 is/are allowed.  6) Claim(s) 19 and 20 is/are objected to.  8) Claim(s) 19 and 20 is/are objected to.  8) Claim(s) 19 and 20 is/are objected to.  8) Claim(s) 19 and 20 is/are objected to by the Examiner.  10) The drawing(s) filed on is/are: a captured in the drawing(s) is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) beheld in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The drawing(s) filed copies of the priority documents have been received in this National Stage application fro			Examiner	Art Unit			
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Application/Control Number: 09/900,087

Art Unit: 2638

#### **DETAILED ACTION**

## Response to Amendment

1. The indicated allowability of claims 14-20 is withdrawn in view of the newly discovered reference(s) to Cimini, Jr et al (US 6,891,792). Rejections based on the newly cited reference(s) follow.

# Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-16, 27-34 is rejected under 35 U.S.C. 102(e) as being anticipated by Cimini, Jr. et al.

Claims 14, 27-29, 30 and 34.

Cimini, Jr. et al discloses an OFDM system (see Fig.1) for generating modulated and filtered orthogonal carrier signals, comprising:

an inverse fast Fourier transform (IFFT ) to generate N modulated orthogonal carriers from an N sample data frame,

an M time cyclic extension (CYCLIC EXTENSION) to increase the frequency resolution of respective N modulated orthogonal carrier signals by a factor of M; and

MN point time-domain filter (WINDOWNING) to modify the frequency response of the modulated orthogonal carrier signals to generate the modulated and filtered orthogonal carrier signals. See also Fig.2 and col. 2, line 64 – col.3, line 3 and col. 3. lines 37-48.

Application/Control Number: 09/900,087

Art Unit: 2638

Cimini, Jr. et al discloses a modulator (QPSK MODULATOR) to generate the N sample data frame by modulating an N sample baseband data frame.

## Claim Rejections - 35 USC § 103

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claim 17, 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cimini, Jr. et al. in view of Crawford (US 6,438,367).

Cimini, Jr. et al discloses all the subject matter claimed except for the modulator being an amplitude shift keying type or quadrature amplitude modulator. First, Cimini, Jr. et al suggests that the QPSK type is not critical and merely used as an exemplary modulator. See col. 3, lines 61-64. Crawford teaches different types of modulator such as QAM where a particular selection is a matter of design choice depending on the error and/or data rate. See col. 13, line 50 – col.14, line 27. Thus, it would have been obvious to one skilled in the art at the time the invention was made to use a ASK or QAM in place of QPSK as a modulating scheme in the Cimini, Jr. et al's OFDM system since which modulation to use is a matter of design choice and the present disclosure fails to disclose any criticality such as sated benefits for using ASK or QAM.

# Allowable Subject Matter

- 5. Claims 1-7,21,24-26 are allowed.
- 6. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 09/900,087 Page 4

Art Unit: 2638

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KEVIN KIM
PATENT EXAMINER

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